

8553/210

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT

In re Application of:

CARLO VERBERG ET AL

Serial No. 09/832,119

Group Art Unit: 3643

Examiner: T. Price

Filed: April 11, 2001

For: A METHOD OF COOLING ANIMALS

RESPONSE

To The Honorable Commissioner
of Patents and Trademarks
Washington, D.C. 20231

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JUN 12 2002

GROUP 3600

Sir:

This is in response to the Official Action of February 6, 2002
which is a Restriction Requirement.

The Groups listed in the Official Action from which an
election must be made in response to the Official Action are as
follows:

I. Claims 1 and 38-46 which are directed to a method of
cooling an animal by applying a liquid between the hairs of the
animal and blowing air over the liquid.

II. Claims 47-64 which are directed to a method of protecting
parts of an animal while cooling the animal with water spray and
shielding parts of the animal against receiving the water spray.

III. Claims 65-74 which are directed to a device for cooling
animals comprising wetting means that reduces a liquid to a fine
spray in an application to at least part of the animal between the
animal's hairs and airflow producing means for producing an airflow
directed over the wetted part of the animal.

In order to be completely responsive, Applicants provisionally elect the Group III Claims, that is, Claims 65-74 which are directed to a device for cleaning animals comprising wetting means that reduces the liquid to a fine spray in an application to between the animal's hairs and air producing means for producing an airflow directed over the wetted part of the animal.

The Restriction Requirement is respectfully traversed. Under MPEP Section 806.05(e) it is stated that if the apparatus claim includes a "means" claim for practicing the process, such claim is a linkage claim and must be examined with the elected invention. If it is ultimately allowed, rejoinder is required. Here, inasmuch as the election requirement is being made to an apparatus claim which includes means for practicing the process, the restriction requirement should not have been made in the first place.

Although the invention, as such, is directed to cooling the animal in the milking compartment, and it is likely that claims to be allowed will be directed more specifically to this end, for present purposes the circumstance that the claims could be used for a different process such as cleaning an animal or treating an animal with anti-vermin composition is immaterial. Moreover, the process claims might also involve cleaning an animal or treating an animal with anti-vermin composition. In any event, apparatus claims including "means" language together with method claims for carrying out the process of the method claims are properly combined in a single application and, accordingly the Restriction Requirement should be withdrawn.

In conclusion and summation, a provisional election is made herein directed to the Group III claims and the Restriction Requirement is traversed.

Respectfully submitted,

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